REMARKS

In the interest of clarity, the following Items Numbers correspond to the Examiner's Item Numbers in the November 3, 2004 Office Action.

1. Claims 1-32 are pending.

2-3. The Examiner rejected Claims 1-2, 4, 7-13, 17-18, 20, and 23-29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,311,272 to Gressel ("Gressel"). Respectfully, Applicant traverses and requests withdrawal.

As a preliminary matter, Gressel discloses migrating biometric characteristics, defined as biometric characteristics that vary, migrate, oscillate, or undergo other changes caused by age, infirmity, or personal fluctuations—and it specifically distinguishes fingerprints as an invariant metric. *See, e.g., Abstract; Col. 7, lines 38-57; and Col 13, lines 30-38.* Applicant's invention, on the other hand, discloses migrating master template technologies. More specifically, Applicant's invention discloses methods and computer-readable storage mediums that are directed towards changing computer technologies—i.e., updates and improvements in systems and software that effect changing template technologies—but not towards changing biometric characteristics. In other words, Gressel is directed towards changing biometric characteristics and not towards changing software, whereas Applicant is directed towards changing software and not towards changing biometric characteristics. Thus, Gressel's migrating biometric characteristics do <u>not</u> anticipate Applicant's migrating master template technologies.

In addition, according to Gressel:

> Also provided, in accordance with another preferred embodiment of the present invention, is a biometric system eliciting a migrating biometric characteristic from individuals, the system including a biometric information repository storing at least **first and second templates** of at least one migrating biometric characteristic for each of a population of individuals, the first template being a reference sample of an individual's biometric characteristic and the

second template being initially derived from the first template, a repository keeper operative to compare an individual's first and second templates to a fresh sample provided by the individual and, if the fresh sample is found to sufficiently resemble the first and second templates, to **modify the second template** to take into account differences between the reference sample and the fresh sample.

Col. 1, lines 34-48 (emphasis added). Accordingly, Gressel discloses the following **three (3)** templates: i) a first template, ii) a second template, and iii) a modified second template—wherein the first template is a reference sample of an individual's biometric characteristic, the second template is initially derived from the first template, and the modified second template takes into account differences between the reference sample and the fresh sample. *See id.* Applicant's invention, on the other hand, discloses the following **four (4)** templates: i) an existing master template, ii) a live template, iii) a compatibility template, and iv) a replacement master template—wherein the existing master template refers to a given biometric sample for an applicant, and the live template, the compatibility template, and the replacement master template are all generated from the live image. Thus, Gressel's **three (3)** templates (i.e., the first template, second template, and modified second template) do <u>not</u> anticipate Applicant's **four (4)** templates (i.e., the existing master template, live template, compatibility template, and replacement master template).

Furthermore, Gressel discloses comparing a fresh sample to two (2) templates—namely, to the first template and to the second template. However, it does not disclose generating a live template or a compatibility template from the live image. Applicant's invention, on the other hand, discloses generating both a live template and a compatibility template from the live image. Thus, Gressel's comparison of a fresh sample to two (2) templates does <u>not</u> anticipate Applicant's generation of a live template and a compatibility template from the live image.

Moreover, since Gressel does not generate a live template from a live image, it also cannot compare the live template to the existing master template. But even if it did, Gressel

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automatically modifies its second template to take into account differences between the reference sample and the fresh sample if the fresh sample sufficiently resembles both the first template and the second template. Applicant's invention, on the other hand, discloses comparing a live template against an existing master template according to predefined criteria. More specifically, Applicant does not automatically modify a second template to take into account differences between a reference sample and a fresh sample if the fresh sample sufficiently resembles both the first template and the second template, but instead, Applicant first generates a compatibility template only if Applicant's live template fails to corresponds to the existing master template according to predefined criteria. Likewise, Applicant also does not automatically modify the second template to take into account differences between a reference sample and a fresh sample if the fresh sample sufficiently resembles both the first template and the second template (as above), but instead, Applicant next generates a replacement master template only if Applicant's compatibility template corresponds to the existing master template again according to predefined criteria. In other words, as applied to creating both the compatibility template and the replacement master template, Gressel fails to create either according to predefined criteria, whereas Applicant generates these two (2) additional templates according to the predefined criteria. Thus, Gressel's automatic modification of a second template does not anticipate Applicant's compatibility template generation or Applicant's replacement master template generation according to predefined criteria.

And finally, Gressel creates its modified second template from its original second template—but not from the fresh sample. Applicant's invention, on the other hand, discloses generating its replacement master template from its live image—but not from an existing master template. In other words, Gressel creates a modified template from another template, whereas

Applicant creates a modified template from the live image itself. Thus, Gressel's creation of a modified template from another template does <u>not</u> anticipate Applicant's generation of a replacement template from a live image.

Therefore, for at least the foregoing reasons, Gressel does <u>not</u> anticipate Claims 1-2, 4, 7-13, 17-18, 20, and 23-29 under 35 U.S.C. § 102(e).

4-5. The Examiner rejected Claims 3, 5-6, 19, and 21-22 under 35 U.S.C. § 103(a) as being unpatentable over Gressel as applied to Claims 1 and 17 and further in view of U.S. Pat. No. 5,613,012 to Hoffman et al. ("Hoffman"). Respectfully, Applicant traverses and requests withdrawal.

More specifically, incorporating Hoffman into Gressel continues to fail to make up for the above-stated deficiencies in Gressel, as based on the Examiner's combination of Hoffman into Gressel. In other words, incorporating Hoffman into Gressel still fails to achieve Applicant's claimed invention. For example, incorporating Hoffman into Gressel still fails to anticipate or render obvious i) Applicant's migrating master template technologies as opposed to migrating biometric characteristics; ii) Applicant's four (4) templates (i.e., the existing master template, live template, compatibility template, and replacement master template) as opposed to three (3) templates (i.e., the first template, second template, and modified second template); iii) generating Applicant's live template and compatibility template from the live image; iv) generating Applicant's compatibility templates and replacement master template according to predefined criteria; and v) generating Applicant's replacement master template from the live image as opposed to another template.

Therefore, for at least the foregoing reasons, Gressel as applied to Claims 1 and 17 and further in view of Hoffman does not anticipate or render obvious Claims 3, 5-6, 19, and 21-22 under 35 U.S.C. § 103(a).

6. The Examiner rejected Claims 7-15 and 23-31 under 35 U.S.C. § 103(a) as being unpatentable over Gressel as applied to Claims 1 and 17 and further in view of Association for Biometrics ("AfB") and International Computer Security Association's 1998 Glossary of Biometric Terms ("ICSA"). Respectfully, Applicant traverses and requests withdrawal.

More specifically, incorporating AfB and ICSA into Gressel continues to fail to make up for the above-stated deficiencies in Gressel, as based on the Examiner's combination of AfB and ICSA into Gressel. In other words, incorporating AfB and ICSA into Gressel still fails to achieve Applicant's claimed invention. For example, incorporating AfB and ICSA into Gressel still fails to anticipate or render obvious i) Applicant's migrating master template technologies as opposed to migrating biometric characteristics; ii) Applicant's four (4) templates (i.e., the existing master template, live template, compatibility template, and replacement master template) as opposed to three (3) templates (i.e., the first template, second template, and modified second template); iii) generating Applicant's live template and compatibility template from the live image; iv) generating Applicant's compatibility templates and replacement master template according to predefined criteria; and v) generating Applicant's replacement master template from the live image as opposed to another template.

Therefore, for at least the foregoing reasons, Gressel as applied to Claims 1 and 17 and further in view of AfB and ICSA does not anticipate or render obvious Claims 7-15 and 23-31 under 35 U.S.C. § 103(a)

7. The Examiner rejected Claims 16 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Gressel as applied to Claims 1 and 17 and further in view of U.S. Pat. No. 6,424,249 to Houvener ("Houvener"). Respectfully, Applicant traverses and requests withdrawal.

More specifically, incorporating Houvener into Gressel continues to fail to make up for the above-stated deficiencies in Gressel, as based on the Examiner's combination of Houvener into Gressel. In other words, incorporating Houvener into Gressel still fails to achieve Applicant's claimed invention. For example, incorporating Houvener into Gressel still fails to anticipate or render obvious i) Applicant's migrating master template technologies as opposed to migrating biometric characteristics; ii) Applicant's four (4) templates (i.e., the existing master template, live template, compatibility template, and replacement master template) as opposed to three (3) templates (i.e., the first template, second template, and modified second template); iii) generating Applicant's live template and compatibility template from the live image; iv) generating Applicant's compatibility templates and replacement master template according to predefined criteria; and v) generating Applicant's replacement master template from the live image as opposed to another template.

Therefore, for at least the foregoing reasons, Gressel as applied to Claims 1 and 17 and further in view of Houvener does not anticipate or render obvious Claims 16 and 32 under 35 U.S.C. § 103(a).

8. Applicant respectively acknowledges the prior art the Examiner made of record but did not rely upon.

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CONCLUSION

Applicant believes Applicant has overcome the Examiner's rejection of i) Claims 1-2, 4, 7-13, 17-18, 20, and 23-29 under 35 U.S.C. § 102(e) as being anticipated by Gressel, ii) Claims 3, 5-6, 19, and 21-22 under 35 U.S.C. § 103(a) as being unpatentable over Gressel as applied to Claims 1 and 17 and further in view Hoffman; iii) Claims 7-15 and 23-31 under 35 U.S.C. § 103(a) as being unpatentable over Gressel as applied to Claims 1 and 17 and further in view of AfB and ICSA; and iv) Claims 16 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Gressel as applied to Claims 1 and 17 and further in view of Houvener. Accordingly, Applicant believes Claims 1-32 are patentable and respectfully submits that all pending claims are in a condition for allowance, which Applicant respectfully requests.

Applicant believes this Response should allow the Examiner to allow the above-referenced patent application to issue as a U.S. patent without further amendments to the specification or claims. Thus, Applicant also requests notification to that effect.

If questions arise, please telephone the undersigned attorney.